

REMARKS

Claims 1-20 are currently pending in the subject application. Claims 5-14 and 16 are withdrawn from consideration. Claims 1, 3 and 17 are independent.

A. Request for Personal Interview

Further to the telephone conversation with Examiner Taylor on January 15, 2009 requesting a personal interview, in the event that a personal interview has not been conducted by the time the Examiner is reviewing this reply, it is respectfully requested that the Examiner contact applicants' undersigned representative to schedule and conduct a personal interview prior to issuing a response to this reply.

B. Asserted Anticipation Rejection of Claims 1-4, 15 and 17-20

In the outstanding Office Action Made Final, claims 1-4, 15 and 17-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,891,822 to Gubbi et al. ("the Gubbi et al. reference"). This rejection is respectfully traversed for at least the reasons set forth below.

Each of independent claims 1, 3 and 17 essentially recite, in part:

*calculating the **multimedia data generation rate** based on transmission buffer state information and **multimedia data loss rate**.*

Accordingly, in embodiments of each of independent claims 1, 3 and 17, a **multimedia data generation rate** may be calculated based on, *inter alia*, a multimedia data loss rate. The Gubbi et al. reference fails to disclose or suggest calculating a multimedia data generation rate based in part on a multimedia data loss rate. That is, while the Gubbi et al. reference may disclose recovery of data associated with packet losses, the Gubbi et al. reference fails to disclose or suggest calculating a multimedia data generation rate based, in part, on a multimedia data loss rate, as recited in each of the pending independent claims.

More particularly, according to the Gubbi et al. reference:

if there are a significant number of packet losses, server 12 can instruct client unit 26 to flush its redundancy buffer 70, reset its counter 72 and begin transmitting keyboard/cursor control information anew (col. 7, lines 10-14 of the Gubbi et al. reference).

Applicants respectfully submit that mere retransmission when there is significant packet loss, as may be suggested by the Gubbi et al. reference, is **not** the same as calculating a multimedia data generation rate based, in part, on a multimedia loss rate. That is, according to the Gubbi et al. reference, even such mere retransmission due to significant packet loss may occur at a same rate as the original transmission. More particularly, in the Gubbi et al. reference, an audio rate control information is determined **only** according to an amount of stored audio information at a client unit (Abstract, col. 2, lines 21-23) and **not based on a multimedia loss rate**. As noted, e.g., in paragraph [0042] of the originally filed application, embodiments of each of claims 1, 3 and 17 may be advantageous by enabling a multimedia data generation rate to be lowered when a large amount of data builds up in the transmission buffer and/or the multimedia data loss rate is high.

For at least these reasons, it is respectfully submitted that the Gubbi et al. reference fails to disclose or suggest the subject matter recited in each of independent claims 1, 3, and 17. The remaining claims depend, either directly or indirectly, from respective ones of these independent claims, and are similarly believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

C. Conclusion

The above remarks demonstrate the failings of the applied reference, and are sufficient to overcome this reference. However, while these remarks may refer to particular claim elements, they are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, applicants respectfully submit that the claims are allowable for reasons including, but not limited to, those set forth above, and patentability of the claims does not depend solely on the particular claim elements discussed above.

In view of the foregoing remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

Respectfully submitted,

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.